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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,739	03/08/2001	Sang Un Jin	0630-1244P	4768
2292	7590	12/05/2003	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			KOSTAK, VICTOR R	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 12/05/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,739

Applicant(s)

JIN, SANG UN

Examiner

Victor R. Kostak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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1. Applicant's arguments with respect to the previous rejection of the claims have been considered but are moot in view of the new ground(s) of rejection. Prolonged prosecution is regretted.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-7 and 12 are now rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al.

The system of Tanaka (noting particularly Figs. 1, 10-12, 15 and 17) involves displaying audio and video settings menus of a display apparatus (i.e. television: col. 4 line 55) to which various audio and video devices can be connected (col. 1 lines 8-13; audio only: col. 9 lines 51-54). Connection states of device output terminals so connected to input terminals of the television are determined (e.g. col. 15 lines 3-4), and audio (as well as video) source information from source content (e.g. Fig. 26c) is received by the television. Tanaka points out that the displayed menu can be limited just to the items of A/V equipment which are actually connected so that the setting up work that the user does is made easy (col. 17 lines 23-30). The menus or menu items so displayed accordingly correspond to the claimed useable menus that were determined as a result of the respective connection determinations, thereby meeting claim 1.

As for claim 4, detection is applied to any input that the user connects to the television system, and its content (e.g. stereo data).

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As for claim 5, the input is varied according to the user changing channel stations (e.g. col. 10 lines 7-10).

Regarding claim 6, broadcast sources are also an option (noting tuner 7: col. 9 lines 57-62).

As for claim 7, the audio is by default either an analog or digital signal (and noting again Fig. 2c). Likewise the broadcast received by tuner 7 by default must be either terrestrial or satellite.

Considering claim 12, the system of Tanaka inherently performs detection whenever the user changes the audio since that is the designed intention of the system operation.

3. Claims 8-11, 13 and 17 are now rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al.

As noted above, Tanaka allows the A/V signals to be from any of various sources including local (e.g. laser disk 14) or remotely broadcast (e.g. tuner 7). Tanaka also covers both analog and digital inputs, as was also mentioned previously. In view of these allowances, it would have been obvious to make available broadcast programming from any known source in any known format, for the clear purpose of providing the users with as large a range of A/V data options which therefore offers as various a selection, thereby accommodating various individual tastes of any viewer. Such options would accordingly cover digital programming from ATSC or satellite services involving downloading programming from digital streams from a headend by referencing programs guides, thereby meeting claim 8.

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As for claim 9, it would have been obvious to cover all available sources and formats, again, for the clear purpose of accommodating the user with any and all A/V data options to therefore suit the preferences of each individual user. Tanaka gives a basic example of digital and analog audio connections as shown in Fig. 26c, and describes interrogation procedures per each device for set-up subsequent to connection detection (e.g. col. 13 lines 31-54), which detection/interrogation/set-up steps would accordingly be applied to any and all equipment units.

Considering claim 10, Tanaka also covers stereo detection (Fig. 11), and since it would have been obvious to have available any well known source and further signal encoded in any well known format such as in AC-3, detection would reveal all of the specific parameters of the signals received.

As for claim 11, since Tanaka specifies channel changing (i.e. selection: col. 10 lines 7-10), the relevant parameters would accordingly be presented in some form on the menu to inform the user of the specifics of the programming.

Similarly regarding claim 13, since Tanaka allows for any type of signal and source to be accessed and described to the viewer through a menu, it would have been obvious to include signals encoded in the known format of AC-3/MPEG and accordingly to display parameters descriptive thereof, again, to accommodate the user with all available varieties of programming.

As for claim 17, it would have been obvious to include either analog or digital television to cover all possible source types, again, for the general purpose of providing the viewer with as extensive and upgraded a selection of programming (so suggested by Tanaka describing both analog and digital data).

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4. Claims 2, 3 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. in view of Linna et al.

Like Tanaka, Linna also indicates the existence of audio output signals by including a sensor 55 to detect the connection state of rear speakers 34 and 35 (noting Fig. 2). Also like Tanaka, Linna points out that the benefit of incorporating a sensor is to inform the user of the presence or absence of specific devices and therefore limiting the menu data to only that which corresponds to what is useable (sensing that rear speakers are not connected removes the need to display a fade function menu option: e.g. col. 2 lines 1-5).

In view of this explicit teaching and in view of the fact that Tanaka allows for device detection of any audio or video device (and in fact goes beyond A/V devices by generalizing the inclusion of various electronic equipment: col. 25 lines 33-35), it therefore would have been obvious to include speakers and their audio output terminals, thereby meeting claim 2.

As for claim 3, the detected presence (or absence) of the rear speakers is a direct indication of the number of speakers connected (or disconnected).

As for claim 14, the system of Tanaka as modified by Linna includes a CPU 5, which would control the menu display of speaker parameters. As noted above, it would also have been obvious to incorporate digital television to expand the user's programming capabilities and as Tanaka allows for various analog and digital options.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is 703 305-4374. The examiner can normally be reached on Monday - Friday from 6:30am-4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile can be reached on 703 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703 308-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9306 (For either formal or informal communications intended for entry. For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Victor R. Kostak
Primary Examiner
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VRK

